

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

AMANDA L. REYNERO,

Plaintiff,

v.

FSST FINANCIAL SERVICES, d/b/a
RUSHMORE FINANCIAL.

Defendant.

Case No. 18-cv-12054

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

ORDER TERMINATING REPORT AND RECOMMENDATION AS MOOT

The above case was electronically filed by Plaintiff on June 29, 2018, with the Court issuing summons on July 2, 2018. ECF No. 4. On July 9, 2018, pre-trial matters were referred to Magistrate Judge Patricia T. Morris. ECF No. 5. On August 15, 2018, Plaintiff filed a Summons Returned Unexecuted, indicating that the attorney for FSST Financial Services refused service on July 24, 2018.

Because service was not completed in the time limits provided by Rule 4 of the Federal Rules of Civil Procedure, Judge Morris issued an order to show cause for failure to prosecute. (R. 7.) Plaintiff filed a response requesting an additional 30 days to serve which the Court granted on October 25, 2018. Plaintiff did not respond to the show cause nor did she effectuate service. On November 28, 2018, an additional show cause order was issued. Plaintiff did not respond to that order either, nor did she effectuate service. On December 12, 2018, Judge Morris issued a report, recommending that the Court dismiss the complaint with prejudice for failure to prosecute.

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. On December 12, 2018, Plaintiff filed a notice of voluntary dismissal, dismissing the complaint without prejudice. The notice of voluntary dismissal was effective upon filing. *See* Fed. R. Civ. P. 41(a)(1)(A)(i).

Accordingly, it is **ORDERED** that the report and recommendation, ECF No. 11, is terminated as moot. This is a final order and closes this case.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: January 7, 2019